



e-mail wkfii@fuse.net

WILLIAM K. FULMER, II

Attorney and Counselor at Law

7289 Burlington Pike
Florence, Kentucky 41042
Telephone 859.282-3500
Fax 859.282-3212

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SEP 10 2004

PUBLIC SERVICE
COMMISSION

September 8, 2004

Hon. Gerald Wuetcher
Assistant General Counsel
Environmental and Public Protection Cabinet
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-3940

IN RE: Howard Keen v. Carroll County Water District No. 1
Case No. 2004-00348

Dear Mr. Wuetcher:

Enclosed please find Mr. Fulmer's letter to the Public Service Commission dated April 13, 2004 which was referenced in our client's *Formal Complaint*. Sorry for any confusion its exclusion may have caused.

Sincerely,

Daniel H. Miller, III
Law Clerk

WILLIAM K. FULMER, II
Attorney at Law
7289 Burlington Pike
Florence, Kentucky 41042
Office - (859) 282-3500
Facsimile - (859) 282-3212

April 13, 2004

James L. Smith
Carroll County Water District #1
PO Box 350
Ghent, Kentucky 41045

RE: Howard B. Keen, new meter on Clay's Lick

Dear Mr. Smith:

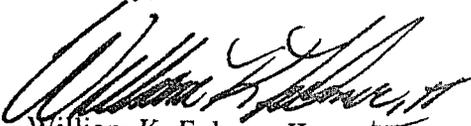
Howard Keen brought your letter of March 31, 2004 to my office for review. From a factual standpoint, I am puzzled about your contention that because Mr. Keen refused to give an easement you are charging him for a bore back to his property. In paragraph 6 the Rules and Regulations state in pertinent part::

In cases where a landowner has refused to give easement to cross his property and the District had to cross the road to avoid the property, the District may charge owner for the road bore back to his property in addition to a regular meter connection fee if and when a request is made for water service.

My survey of your installation on Clay Lick reveals that the water district crossed Fairview to lay the line on Clay Lick. Regardless of the easement, your district would have had to cross Fairview to lay the line. So my question is how did the district cross the road to avoid Mr. Keen's property?

Paragraph 6 does not apply to Mr. Keen's situation, therefore, the connection fee tendered should be sufficient.

Sincerely,


William K. Fulmer, II

WKF:jaa

COPY

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